

**Date:** June 28, 2023

**To:** Board of Directors

**From:** Sam Desue, Jr.

**Subject:** **RESOLUTION NO. 23-06-23 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) ADOPTING A REVISED AND UPDATED PUBLIC ART POLICY**

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**1. Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) adopt a revised and updated Public Art Policy.

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other: Public Art Policy

**3. Reason for Board Action**

Board action is required to revise the current policy that was adopted by the Board.

**4. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**5. Background**

In March of 1997, pursuant to Resolution No. 97-03-21, the Board adopted TriMet’s initial Public Art Policy (Policy), establishing its Public Art Program (Program), a copy of which is attached as Exhibit A. Under that Policy, public art has been installed throughout the District at various MAX platforms, transit centers and other TriMet facilities. The Program was funded by means of a 1.5% allocation from the budgets of capital construction projects with budgets greater than \$100,000, that were determined to directly benefit TriMet customers and the public.

In practice, this funding mechanism was applied only to federally-funded MAX projects. This resulted in artwork being created specifically for the Blue Line (from downtown to Hillsboro), Yellow Line, Red Line, Westside Express Service (WES), Green Line, and Orange Line projects, and the Program was an important part of community outreach for each of those projects. The Program enlisted support from local community members, and the commission art was site-specific and designed with regard to each community and location. The process continued through the 2015 completion of the MAX Orange Line, after which federal grant regulations no longer allowed public art to be funded as an eligible project expense.

Without access to federal grant funding since 2015, TriMet's process for funding its public art installations and the Program has become less consistent and reliable, and the Board's original 1997 Public Art Policy does not align well with TriMet's current needs to maintain the Program. In particular, the existing Policy does not account for or provide adequate funding for the care and management of the collected artworks, and nearly 250 artworks are now in need of management and maintenance. The policy is overdue for review and revision.

Therefore, on January 3, 2023 the General Manager appointed a Public Art Subcommittee, chaired by the Executive Director of Engineering, Construction & Planning Mark Dorn, and staff representatives from nearly all divisions. The Subcommittee was charged with revising and updating the original Policy, presenting it for review and approval by the General Manager and Executive Directors, and ultimately presenting it for the Board's consideration.

The product of the Subcommittee's work is a revised and updated Policy that clarifies the goals of the Program, and adapts its funding mechanism to the Agency's annual budgeting process. The revised and updated Policy is attached as Exhibit B, and is intended to provide opportunities for public art to be integrated into most capital projects. It is designed to provide adequate resources for an operational Program with flexibility for programming art as needed in the transit system, rather than only where major capital investment is occurring.

If the revised and updated Public Art Policy is adopted, the overall budget impact will vary from year to year, but may be as much as one-percent (1%) of the audited actual general funds spent by the EC&P division in the prior year. The financial commitment described in the Policy is within the range of other nearby public agencies. For example, the City of Portland commits two-percent (2%) of the budget for any capital improvement of \$50,000 or more on public art; Multnomah County budgets two-percent (2%) of the cost of any new building valued at more than \$1,000,000 on public art; and the Seattle area's Sound Transit spends one-percent (1%) of capital project construction budgets on public art.

## **6. Diversity**

Celebrating diversity has been a goal of the Program since its inception. The Public Art Advisory Committee (PAAC) was established by the original Policy in 1997. Under the revised and updated Policy, it remains a diverse group of community volunteers and selected artists that considers and commissions artworks with diversity in mind. To help foster diversity throughout the District, the PAAC seeks 1) equitable representation on the Committee itself, 2) culturally competent best practices in the process of selecting public art, and 3) art projects that are inclusive and sensitive to various community needs.

## **7. Financial/Budget Impact**

Funding for the current public art Program is included within the adopted FY2024 budget for the Engineering, Construction & Planning (EC&P) division. TriMet's Finance and Administrative Services division estimates that, based on FY2023 actual expenditures, approximately \$240,000 will be available for all aspects of the Program in FY2025. Approval of funds will occur as part of the ordinary Fiscal Year budget cycle, contingent on identified program needs and not available until start of the next Fiscal Year. In addition, the revised and updated Policy states that Program staff will be funded from the EC&P operating budget, and asset management for existing art installations will be funded from the EC&P and Maintenance budgets.

**8. Impact if Not Approved**

If the Board chooses not to adopt the revised and updated Public Art Policy the current Policy would remain in effect, but would not be relevant to current needs for funding public art acquisition and maintenance of art now installed on the transit system.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) ADOPTING  
A REVISED AND UPDATED PUBLIC ART POLICY**

**WHEREAS**, TriMet has the authority under ORS Chapter 267 to acquire, construct, install and maintain public art as components to enhance the public stations, platforms and other facilities on the transit system; and

**WHEREAS**, on March 26, 1997, the Board of Directors (Board) expressed its commitment to enhancing the transit system with public art through the adoption of TriMet's Public Art Policy, via Resolution No. 97-03-21; and

**WHEREAS**, while federal funding for public art installations as part of federally-funded transit construction projects is no longer available, the Board wishes to continue TriMet's practice and policy of installing and maintaining public art on the transit system; and

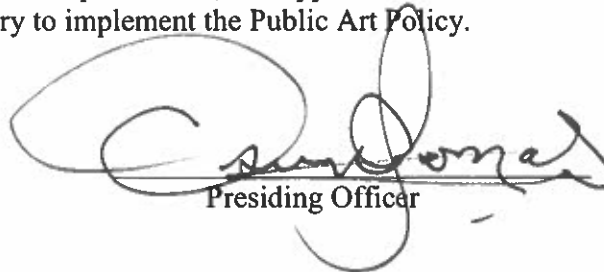
**WHEREAS**, in response to TriMet's need for an effective and actionable policy that aligns with the Agency's current funding and business needs, the General Manager appointed a Public Art Subcommittee to develop a revised and updated Public Art Policy for presentation to the Board; and

**WHEREAS**, the revised and updated Public Art Policy is attached hereto as Exhibit B;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The revised and updated Public Art Policy attached hereto as Exhibit B is hereby adopted by the Board.
2. Pursuant to the adopted Public Art Policy, the General Manager or his designee is authorized to expend funds, adopt guidelines and procedures, and appoint members of the Public Art Advisory Committee as necessary to implement the Public Art Policy.

Dated: June 28, 2023

  
Presiding Officer

Attest:

  
Recording Secretary

Approved as to Legal Sufficiency:

  
Legal Department